

REMARKS

Applicants wish to thank Supervisory Patent Examiner, Andrew Knight, for granting a telephone interview on 01/23/2007 and for the Interview Summary dated 01/30/2007. Applicants will attempt to again respond to an Office Action having contradictory rejections under 35 U.S.C. 102 and 103.

Claims 1, 11, and 15 are amended to require defining the content of the components to align with the zones and circular area of the solution context. Support is found in Applicants' Specification, page 5, lines 9 - 10, and FIG. 1 of related application S/N 10/729747 which is incorporated by reference. No new matter is entered.

Claims 1, 3 - 11, 13 - 15, 17 and 18 are rejected under 35 U.S.C. 101 as lacking patentable utility on page 2 of the Office Action. On page 3, the Examiner submits that the claimed invention does not recite a useful, concrete, or tangible result and is merely drawn to a mathematical algorithm. The Examiner also makes reference in this 35 U.S.C. 101 rejection to a following rejection under 35 U.S.C. 112, first paragraph, apparently for Applicants' use of the term "aligning".

Regarding recitation of a useful, concrete, or tangible result, Applicants addressed this rejection in their response dated 10/26/2006 to the previous Office Action of 7/26/2006. The Examiner has not addressed this response in the present Office Action. Response is respectfully requested.

Regarding use of the term "aligning", Applicants point out the ordinary dictionary definition of align may be found in *The American Heritage Dictionary*, Second College Edition, 1985, by Houghton Mifflin, Boston, MA. Second definition - To adjust to produce a proper relationship or condition. Referring to Applicants' Figure and claim 1, the plurality of solution components 14 - 22 are aligned to the solution context 12 which itself is described more fully in Related Application S/N 10/729947. Solution context 12 is also required in the first clause of claim 1 to have specific radial width for zones and an inner circular area defining a ratio of formal to informal learning. See FIGs 1 - 3 of Related Application 10/729947 which is incorporated by reference in the present application.

The components as explained on page 5 of Applicants' Specification, lines 3 - 10, are the methods, technologies, and processes which will be used to operationalize or deliver on that learning solution depicted in a specific context 12. The solution components enable the solution context to be realized. However the content of each component must be defined to align with context 12, Context 12 has zones (representing elements) and a circular area (representing the ratio of formal to informal learning). The content of a component is adjusted to produce a proper relationship to the zones and circular area of context 12. This is clearly the meaning of "align" as used in independent claims 1, 11, and 15 as amended above.

Applicants therefore respectfully request withdrawal of the

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rejections under 35 U.S.C. 112, first paragraph, and 35 U.S.C. 101.

Claims 1, 3 - 11, 13 - 15, and 17 - 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Sketch U.S. Pub. No. 2002/0077884. However, the Examiner admits on page 12 of the Office Action of 01/30/2007 in paragraph 6 that Sketch fails to disclose a circular diagram having zones and an inner circular area. Independent claims 1, 11, and 15 clearly require this. This rejection under 35 U.S.C. 102(b) as applied to claims 1, 11, and 15 is improper because Sketch does not disclose all of the steps or elements of these claims. Claims 1, 11, and 15 are allowable over Sketch. All of the other claims rejected under 35 U.S.C. 102(b) are dependent from these and are therefore also allowable over Sketch. Applicants respectfully request withdrawal of the rejection under 35 U.S.C. 102(b).

Claims 1, 11, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sketch in view of Gray U.S. Pub. No. 2006/0036629. However, both Sketch and Gray fail to teach defining a ratio of formal to informal learning as required by claims 1, 11, and 16. Consequently, this rejection is also improper and must be withdrawn. Applicants respectfully request its withdrawal.

Claims 1, 11, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sketch in view of Gray and further in view of Lloyd [2001, Gain Credit with CLEP (College Level Examination Program)] article. Applicants respectfully

disagree.

The Examiner admits that Sketch fails to disclose a circular diagram having specific radial width for zones and an inner circular area defining a ratio of formal to informal learning as required by Applicants' claim 1. The Examiner cites Gray FIG. 4 as Applicants' circular diagram. However, as argued previously, Gray's FIG. 4 is not a circular diagram. FIG. 4 is a diagram depicting a simplified example of a zone-mapped sphere. See Gray paragraph [0045]. Furthermore, Gray specifies that the zones each form a strip of the same prescribed height. See Gray paragraph [0019], lines 3 and 4. Gray's FIG. 4 therefore cannot be Applicants' circular diagram because the zones are horizontal and all of the same width, whereas Applicants' circular diagram has specific radial width for zones.

The Examiner further states that in Lloyd's description of the College-Level Examination Program, a person's GPA would be Applicants' defining of informal learning to formal learning. Applicants disagree. There is no mention of GPA in Lloyd. Furthermore, Applicants' independent claims 1, 11, and 15 require an inner circular area of a circular diagram to define a ratio of formal to informal learning. Applicants maintain that a GPA (grade point average) would define nothing more than the weighted average of grades earned in course work. A GPA would certainly not define a ratio of formal to informal learning.

Therefore, Sketch, Gray, and Lloyd when taken together do

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not describe or suggest all of the requirements of Applicants' independent claims 1, 11, and 15 as amended above. These claims are allowable and such allowance is respectfully requested.

The Application is deemed in condition for allowance and such action by the Examiner is urged. Should differences remain, however, which do not place one/more of the remaining claims in condition for allowance, the Examiner is requested to phone the undersigned at the number provided below for the purpose of providing constructive assistance and suggestions in accordance with M.P.E.P. Sections 707, 707.07(d) and 707.07(j) in order that allowable claims can be presented, thereby placing the application in condition for allowance without further proceedings being necessary.

Respectfully submitted,

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